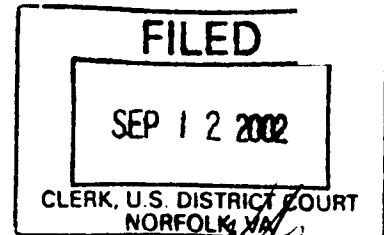


FILED: September 12, 2002

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUITNo. 02-7338
(CA-02-439-2)YASER ESAM HAMDI; ESAM FOUAD HAMDI, as
next friend of Yaser Esam Hamdi,

Petitioners - Appellees,

versus

DONALD RUMSFELD; W. R. PAULETTE, Commander,

Respondents - Appellants.

O R D E R

On August 21, 2002, the district court certified for appeal under 28 U.S.C.A. § 1292(b) the following question arising out of its August 16, 2002 Order:

Whether the Mobbs Declaration, standing alone, is sufficient as a matter of law to allow a meaningful judicial review of Yaser Esam Hamdi's classification as an enemy combatant?

Respondents-Appellants thereafter petitioned this court for leave to file an appeal of the district court's August 16, 2002 order in its entirety, including but not limited to that portion of the order that required Respondents to produce, for the district court's ex parte, in camera review, various information which Respondents claim involves sensitive national security issues.

Petitioners-Appellees oppose Respondents' request for certification.

Respondents' petition for permission to appeal the district court's August 16, 2002 order is granted. On appeal, this court "may address any issue fairly included within the certified order because it is the order that is appealable, and not the controlling question identified by the district court." Yamaha Motor Corp., U.S.A. v. Calhoun, 516 U.S. 199, 205 (1996) (internal quotation marks omitted). Accordingly, the parties are hereby directed to address the question as certified by the district court, as well as any other issues fairly included within the certified order, including standards of review and burdens of proof issues bearing on the government's detention decision.

Respondents-Appellants' opening brief is due on Friday, October 4. Petitioners-Appellees' answering brief is due on Friday, October 18. Respondents-Appellants' reply brief is due on Thursday, October 24. Oral argument is scheduled for Monday, October 28 at 2:30 p.m.

Entered at the direction of Chief Judge Wilkinson with the concurrence of Judge Wilkins and Judge Traxler.

For the Court

/s/ Patricia S. Connor

Clerk